IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 444 of 2003()

CRA.845/2001 of ADDL.SESSIONS COURT, PARAVUR
CC.431/1999 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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REVN. PETITIONER: APPELLANT/ACCUSED

SUBRAMANIAN PILLAI S/O. NARAYANAN NAIR,
HOUSE NO.4, KAIRALY NAGAR, CHOONDY DESOM,
ALUVA VILLAGE, ALUVA TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1567/2003 IN CRL.R.P.NO.444/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

20/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.444 of 2003-C

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Dated this the 20th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.431/1999 in the file of the Judicial Magistrate of the First Class-II, Aluva, who stands convicted for the offences under Sections 279 and 304A I.P.C and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for 15 days for the offence under Section 279 I.P.C and to undergo simple imprisonment for one year and to pay a fine of Rs.2,000/- and in default to undergo simple imprisonment for one month for the offence under Section 304A I.P.C.

2. The prosecution case is that on 24/02/1999 at about 12.55 p.m the revision petitioner being the driver of a Maruthi van having Reg.No.KL.7/T 6064 drove the same in a rash and negligent manner so as to endanger human life through Edappally-Pookkattupady road from south to north and hit on a motorcycle that came from the opposite direction driven by the deceased. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that nine years have elapsed since the commencement of the proceedings and that so far he was facing the ordeal of criminal proceedings and living

under the shadow of sentence imposed. It is also submitted that he is aged 60 years and that the sole means of livelihood of his family is his income. In the circumstances, the sentence imposed for the offence under Section 279 I.P.C is modified to pay a fine of rupees one thousand and in default to undergo simple imprisonment for two weeks; and the sentence with respect to the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees twenty-five thousand to the legal representatives of the deceased and in default to undergo simple imprisonment for six months. The revision petitioner is granted three months time to remit the fine and compensation amounts. He shall appear before the Judicial Magistrate of the First Class-II, Aluva, on 20/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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